Appendix

APPENDIX A

UNITED STATES COURT OF APPEALS

Fifth Circuit

No. 25,080

MILTON M. FERRELL,

Petitioner,

vs.

HONORABLE CHARLES B. FULTON,
as one of the Judges of the United States District Court
for the Southern District of Florida,

Respondent.

On Petition for Writ of Prohibition and/or Mandamus

Before WISDOM, GOLDBERG and DYER, Circuit Judges

BY THE COURT:

The petition of Milton M. Ferrell for Writ of Prohibition and/or Mandamus to prohibit the respondent, the Honorable Charles B. Fulton, as one of the judges of the United States District Court for the Southern District of Florida, from subjecting the petitioner to a second trial and to order respondent to discharge the petitioner and dismiss the pending charges against the petitioner, is hereby denied.

APPENDIX B

AMENDMENT 5. CONSTITUTION OF THE UNITED STATES

"No person shall be . . . subject for the same offense to be twice put in jeopardy of life or limb; . . . "

APPENDIX C

RULE 24 (c). FEDERAL RULES OF CRIMINAL PROCEDURE

"Alternate Jurors. The Court may direct that not more than 4 jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the regular jurors. . . . "

APPENDIX D

TITLE 28, SECTION 1861. UNITED STATES CODE ANNOTATED

"Qualifications of Federal jurors. Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless.—

(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

(2) He is unable to read, write, speak, and understand the English language.

(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service."